

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

WILLIAM MANIS,

Petitioner,

: Case No. 1:14-cv-057

- vs -

District Judge Susan J. Dlott
Magistrate Judge Michael R. Merz

WARDEN, Lebanon Correctional
Institution,

:

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

This habeas corpus case under 28 U.S.C. § 2254 case is before the Court on the Report and Recommendations (ECF No. 15) and Supplemental Report and Recommendations (ECF No. 21) of United States Magistrate Judge Michael R. Merz to whom this case was referred pursuant to the General Order of Reference for this District. Petitioner Manis has filed Objections to both Reports (ECF Nos. 18, 27).

The Court has reviewed the findings and conclusions of the Magistrate Judge and has considered de novo all of the filings in this case with particular attention to the issues as to which Petitioner has lodged objections. Having done so, the Court determines that the Magistrate Judge's recommendations should be adopted. Petitioner's claim that because he has been found mentally disabled for employment the Social Security Administration, he was therefore not competent to stand trial is without merit; *res judicata* does not apply from the first context to the second. A defendant in a criminal case is bound by the answers he gives the court under oath in a plea colloquy. Manis has not demonstrated his trial attorney operated under an actual conflict

of interest. Manis' Double Jeopardy claims, both with respect to the Social Security determination and under Ohio Revised Code § 2941.25, are without merit.

Accordingly, it is hereby ORDERED that the habeas corpus petition herein be dismissed with prejudice and that Petitioner be denied a certificate of appealability. The Court hereby certifies to the Sixth Circuit Court of Appeals that any appeal from this Order would be objectively frivolous.

August 6, 2015.

S/Susan J. Dlott
Susan J. Dlott
United States District Judge